

# SENATE BILL 901

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11r3007  
CF HB 614

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By: **Senator Miller**

Introduced and read first time: February 21, 2011

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 28, 2011

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Prince**  
3 **George’s County – Site Plan Approval Authority**

4 FOR the purpose of ~~prohibiting~~ authorizing the County Council for Prince George’s  
5 County, sitting as the district council, ~~from reviewing~~ to review decisions by the  
6 Prince George’s County Planning Board to approve or disapprove certain site  
7 plans ~~except under certain circumstances~~; authorizing a party of record to  
8 appeal certain decisions by the Planning Board to the district council; requiring  
9 the district council to decide whether to conduct a certain review within a  
10 certain number of days; requiring the district council to conduct a certain  
11 review hearing within a certain number of days unless that period of time is  
12 extended in certain circumstances; requiring the district council to issue a  
13 certain decision within a certain number of days; prohibiting the district council  
14 from revoking certain delegations of approval authority made to the Planning  
15 Board by a certain date; authorizing the district council to revoke certain  
16 delegations of approval authority for the purpose of delegating that authority to  
17 the governing bodies of certain municipal corporations; and generally relating to  
18 site plan approval in Prince George’s County.

19 BY adding to

20 Article 28 – Maryland–National Capital Park and Planning Commission  
21 Section 8–129  
22 Annotated Code of Maryland  
23 (2010 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 28 – Maryland–National Capital Park and Planning Commission**

4 **8–129.**

5 (A) (1) ~~(I) EXCEPT AS PROVIDED IN PARAGRAPH (2)~~ SUBJECT TO  
6 PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COUNCIL FOR PRINCE  
7 GEORGE’S COUNTY, SITTING AS A DISTRICT COUNCIL, MAY ~~NOT~~ REVIEW A FINAL  
8 DECISION OF THE PRINCE GEORGE’S COUNTY PLANNING BOARD TO APPROVE  
9 OR DISAPPROVE A DETAILED SITE PLAN.

10 ~~(2)~~ (II) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT  
11 COUNCIL A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR  
12 DISAPPROVE A SITE PLAN.

13 (2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO  
14 REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN  
15 UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS FROM THE DATE  
16 THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.

17 (II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2  
18 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN  
19 APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT  
20 COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS FROM THE DATE  
21 THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.

22 2. THE TIME FOR HOLDING A REVIEW HEARING  
23 UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR  
24 UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR ON  
25 REQUEST OF THE APPLICANT.

26 (III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL DECISION  
27 WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.

28 (B) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
29 ~~SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE’S COUNTY, SITTING~~  
30 ~~AS A DISTRICT COUNCIL, MAY NOT REVOKE A DELEGATION OF AUTHORITY OVER~~  
31 ~~SITE PLAN APPROVAL MADE TO THE PRINCE GEORGE’S COUNTY PLANNING~~  
32 ~~BOARD ON OR BEFORE JANUARY 1, 2011.~~

33 ~~(2)~~ THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE  
34 PLAN APPROVAL AUTHORITY TO THE PLANNING BOARD ONLY FOR THE

1 PURPOSE OF DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS  
2 TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE  
3 MARYLAND-WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF  
4 THIS TITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 June 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.